

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
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SEP 27 2004
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

UNITED STATES OF AMERICA *ex rel.*
ROSALIND L. WYNNE,

Plaintiff,

vs

BLUE CROSS BLUE SHIELD OF KANSAS,
INC., a Kansas Corporation,

Defendant.

Civil Action No. AMD-00-452

MOTION FOR LEAVE TO WITHDRAW

NOW COME Timothy Keller of Aschemann Keller, LLC, Robert Vogel and Shelley Slade of Vogel & Slade, LLP, and Ronald E. Osman of Ronald E. Osman & Associates Ltd. (hereafter collectively referred to as "Relator's Counsel") pursuant to Local Rule 101(2)(a) and in support of this request for Leave to Withdraw, state as follows

1 That Relator's Counsel filed the instant action on behalf of Relator and the United States on February 16, 2000.

2. That on or about September 1, 2004, the United States filed with the Court the Government's Notice of Election to Decline Intervention. The Court subsequently entered an Order unsealing this case.

3. That the Defendant has not been served with the complaint and has therefore not entered its appearance or otherwise plead

4. That Relator's Counsels' written contract of representation provides in pertinent part that "Attorneys reserve the right to terminate representation ... in the event the United States declines to intervene in this case."

5. That the Relator was notified orally in July 2004 by Relator's counsel that the government had indicated it was going to decline to intervene in the action, that Relator's counsel would be withdrawing, and that Relator needed to find new counsel if she intended on proceeding with the action

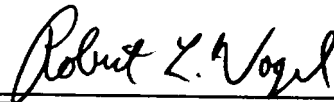
6. That the Relator was notified in writing by letter dated August 17, 2004 of Relator's counsels' intent to withdraw from this action.

7. That the Relator was notified in writing by letter dated September 8, 2004, which was more than five days prior to the filing of this motion, of the provisions of local rule 101(2) and the necessity of retaining new counsel or proceeding *pro se*. This letter was sent by certified mail, and the client has informed counsel that she received the letter on or prior to September 18, 2004.

8. That filed herewith is the certificate required by Local Rule 101(2)(a).

WHEREFORE, Timothy Keller of Aschemann Keller, LLC, Robert Vogel and Shelley Slade of Vogel & Slade, LLP, and Ronald E. Osman of Ronald E. Osman & Associates Ltd., request this honorable Court grant them leave to withdraw from the instant action and the representation of Relator, Rosalind L. Wynne.

Respectfully Submitted by
Relator's Counsel:



Robert L. Vogel (D.Md. Bar #07960)
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UNITED STATES OF AMERICA *ex rel.*
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Plaintiff,

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Defendant.

Civil Action No **AMD-00-452**

**FILED IN CAMERA AND
UNDER SEAL**

CERTIFICATE OF SERVICE

hereby certify that on this 24th day of September 2004, caused to be served, by first-class mail (postage pre-paid), the foregoing Motion for Leave to Withdraw and Local Rule 101(2)(A) Certificate, to the Relator and other attorneys of record addressed as follows:

Rosalind L. Wynne
2676 S.E. Golden
Topeka, KS 66605

**Patricia Hanower, Esq.
United States Department of Justice
P.O. Box 261
Ben Franklin Station
Washington, DC 20044**

Virginia B. Evans, Esq.
Assistant United States Attorney
6625 United States Courthouse
101 West Lombard Street
Baltimore, MD 21201-2692

Robert L. Vogel
Robert L. Vogel (Bar #07960)

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LOCAL RULE 101(2)(A) CERTIFICATE

NOW COMES, Robert Vogel, and pursuant to local rule 101(2)(a), certifies as follows:

1 That the name and last known address of Rosalind L. Wynne is:

Rosalind L. Wynne
2676 S.E. Golden
Topeka, KS 66605

2. That written notice was mailed to Rosalind L. Wynne at least five days prior to the filing of Relator's Counsel's Motion for Leave to Withdraw, notifying her of the following:

You must either have new counsel enter an appearance on your behalf or advise the Clerk of the United States District Court for the District of Maryland that you will be proceeding without counsel. If the court authorizes us to withdraw from your representation, the Clerk shall notify you that you will be deemed to be proceeding pro se (unrepresented) unless and until new counsel enters an appearance on your behalf.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 24, 2004.

Robert L. Vogel